

# EXHIBIT D

**Patrick Murphy**

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**From:** Patrick Murphy  
**Sent:** Sunday, February 25, 2024 7:00 PM  
**To:** Paula Colbath; Sean Larson; Kari Hartman; Leily Lashkari  
**Cc:** Khale J. Lenhart; Feinstein, Marc; Farrell, Kaitie; Meggan Hathaway; Jane France; Marc Gottlieb; Scott C. Murray; Patrick Murphy  
**Subject:** Discovery Matters in BCB v. MineOne et al.

Dear Paula:

I thought I would be able to confer with you on Monday morning, February 26, at 9:00 am MST, but I cannot. I am sorry. I have an emergency motion I need to file to file for another client. And I am in the midst of reviewing all the inadequately answered RFP's to MineOne and the subpoenas to UCHG and YZY Capital that those Chinese companies and their American counsel have refused to respond to and/or dodged. These RFP's – particularly RFP No. 6 that seeks all the internal communications, including WeChat messages, between and among the MineOne team members, and third person subpoenas (especially the third person subpoenas to the U.S. registered Chinese companies, YZY Capital and UCHG), have been at issue for months, and I am focused on them. Also: I am meeting and conferring with Bitmain's litigation counsel this Wednesday, February 28, at 10:00 am Mountain, to discuss Bitmain's 2/20/24 136-page production to BCB's First Set of Requests for Production. Because you are working so closely with Bitmain's litigation with respect to jurisdictional issues and documents MineOne and Terra Crypto will – and will not – produce, it makes good sense that you join Khale Lenhardt, Marc Feinstein and me this Wednesday morning to discuss what Bitmain will, or will not, agree to produce and any lingering jurisdictional concerns after our conference call with Judge Rankin tomorrow.

From the sounds of your February 7 conferral letter, and your February 8 oral remarks to Judge Rankin, Bitmain's lawyers have the "bundle" of documents MineOne is prepared to produce, but Bitmain's counsel hasn't [yet] given its consent for MineOne to produce them; is that correct?

I welcome and think it is important you are on this Wednesday conferral call with your co-defendant's counsel, Paula. This notion of me meeting with Defendants' counsel separately — while you are all working closely together — is not tenable anymore and it forces me to incur undue costs on my clients, sap my time, and create procedural delays.

Moreover, in terms of jurisdictional discovery, the "tax filer issue" is the only ripe issue for argument to Judge Rankin tomorrow. That 1<sup>st</sup> subpoena was served on Tim Desrochers; we have met-and-conferred about it, and Judge Rankin can decide it. The tax filer issue is the central issue of the 1st subpoena and our point of disagreement. The 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Desrochers subpoenas haven't yet been served on Mr. Desrochers.

If you believe any further conferral is needed on MineOne's 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> subpoenas and/or on your recent letter (February 21) to Judge Rankin, let me share the compromise I am willing to agree to (after considering your multiple e-emails and letters on these Tim Desrochers/jurisdictional discovery matters). If ALL the Defendants will agree and stipulate that they be given one more month – until March 23, 2024 – to complete their "jurisdictional discovery," Tim Desrochers and James Quid and I will agree to provide you with: 1) my August 2023 Representation Agreements with James Quid and Tim Desrochers, and 2) Tim Desrochers' tax filer contact information and documents for 2023. Tm Desrochers will not be producing any of his 2021 and 2022 documents, as they are irrelevant and unduly burdensome and personally and financially invasive. It matters not where Mr. Desrochers was domiciled in 2021 or 2022 or all his personal financial documents from these years. What matters is where he was domiciled on May 3, 2023, the day this federal court suit was filed. Obviously, I won't be providing you with any privileged communications between Tim Desrochers and me, his counsel. Or between James Quid and me, his counsel.

We have so many important and pressing discovery issues on the table. I need to raise – and re-raise – these with Judge Rankin in our 2:00 pm informal discovery hearing. For example: we need to address MineOne's refusal to produce its internal WeChat messages in RFP No. 6. We need to discuss why MineOne did not provide its



production to RFP Nos. 2, 3 and 4 by February 18 – like you agreed to do, and Judge Rankin and I understood you would do. We need to re-address MineOne's failure to make a meaningful production, in RFP No. 6, of the internal communications between Jiaming Li, Erick Rengifo, Huali Zhang, Lucas Wang, Ziyao Shao, Cho Zhu, Iris Li, and Haku Du "involving the North Range Project, the Campstool Project, and the planned expansions at both sites." We also need to address my February 11 e-mail to you asking that you "correct your written and oral misrepresentations to Judge Rankin by February 14 at noon" – which you have never done. We need to address the UCHG and YZY subpoenas. These subpoenas were served and BCB received a one-page response (dodging and evading all production) from UCHG and YZY Capital, and no production of a single document or email. This is further detailed in my 2/15/24 letter to Judge Rankin and Objection letter responses where you indicated you want to be included when these subpoenas were brought before Judge Rankin.

BCB is getting stonewalled from any meaningful discovery from MineOne, Bitmain, and these other U.S. registered Chinese companies. And yet, BCB's expert witness disclosure is due in three days. These discovery issues have every bit the priority that the "jurisdictional discovery" has, Paula. Actually, with our Expert Report due in three days, it has a much higher priority [at least to me, if not to the Defendants or their counsel].

Thank you, Paula. And good evening to you. Looking forward to visiting with you and Judge Rankin at 2:00 pm Mountain tomorrow.

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